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U.S. DISTRICT COURT E.D.N.Y.
★ AUG 2 - 2005 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

P.M. _____
TIME A.M. _____

FREDERICK LAKE, A41 308 138, X

Petitioner,

02 CV 4345 (SJ)

-against-

JOHN ASHCROFT et al.,

ORDER
TRANSFERRING
CASE AS PETITION
FOR REVIEW
PURSUANT TO RIDA

Respondents.

APPEARANCES: X

CENTER FOR CONSTITUTIONAL RIGHTS
666 Broadway, 7th Floor
New York, NY 10012
By: Franklin Siegel
Attorney for Petitioner

JOHN D.B. LEWIS, ESQ.
99 Hudson Street, 8th Floor
New York, NY 10013
Attorney for Petitioner

ROSLYNN MAUSKOPF
United States Attorneys Office
Eastern District of New York
147 Pierrepont Street
Brooklyn, NY 11201
By: Margaret M. Kolbe
Attorney for Respondents

JOHNSON, Senior District Judge:

Petitioner Frederick Lake filed a petition for a writ of habeas corpus pursuant to 28

U.S.C. § 2241, challenging the lawfulness of an administratively final removal order. Section 106(c) of the REAL ID Act of 2005 (“RIDA”), Pub. L. No. 109-13, Div. B, 119 Stat. 231 (May 11, 2005), provides that an action brought pursuant to 28 U.S.C. § 2241 which challenges a final administrative order of removal, and which was pending on the date of RIDA’s enactment on May 11, 2005, shall be transferred to the court of appeals for the circuit in which a petition for review could have been properly filed pursuant to section 242 of the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1252, as amended by RIDA § 106.

Accordingly, the following orders are hereby entered:

(1) This case is transferred in its entirety, pursuant to RIDA § 106 (c), to the United States Court of Appeals for the Second Circuit, as a petition for review;

(2) the Petitioner’s removal is stayed pending further order from the Court of Appeals;

(3) the entire record of proceedings before the District Court is hereby transferred to the United States Court of Appeals for the Second Circuit.

SO ORDERED.

Dated: July 23, 2005
Brooklyn, NY

s/SJ


Senior U.S.D.J.